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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
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PETROCHOICE HOLDINGS, : CIVIL ACTION  
INCORPORATED :

VS. :

FRANCIS S. OROBONO, JR. : NO. 19-6152-JMG

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TUESDAY, SEPTEMBER 22, 2020  
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VIRTUAL VIDEOTAPED DEPOSITION WAS TAKEN  
OF FRANCIS OROBONO, IN THE ABOVE-CAPTIONED MATTER  
THROUGH MAGNA LEGAL SERVICES, 1635 MARKET STREET,  
8TH FLOOR, PHILADELPHIA, PENNSYLVANIA AT 9:33  
A.M., ON THE ABOVE DATE, BEFORE SHEILA KLOS,  
REGISTERED COURT REPORTER AND NOTARY PUBLIC IN THE  
COMMONWEALTH OF PENNSYLVANIA.

MAGNA LEGAL SERVICES  
866-624-6221  
WWW.MAGNALS.COM

1 LAST PAGE OF THE DOCUMENT. IS THAT YOUR  
2 SIGNATURE, MR. OROBONO?

3 A YES.

4 Q DID ANYONE FORCE YOU TO SIGN THIS  
5 DOCUMENT?

6 A NO.

7 Q DID YOU SIGN THIS EMPLOYMENT AND  
8 RESTRICTIVE COVENANT AGREEMENT AS A CONDITION OF  
9 YOUR EMPLOYMENT WITH CRAFT OIL?

10 A YES.

11 Q DID YOU ENTER INTO THIS AGREEMENT  
12 VOLUNTARILY?

13 A YES.

14 Q IF YOU TURN TO PAGE 3. DOES THE DOCUMENT  
15 CONTAIN A SECTION TITLED RESTRICTIVE COVENANTS,  
16 SECTION 4?

17 A YES.

18 Q ON THE SAME PAGE, DOES THE DOCUMENT  
19 CONTAIN A SUBSECTION 4.1 COVENANT NOT TO COMPETE?

20 A YES.

21 Q IF YOU TURN THE PAGE TO PAGE 4. DOES THE  
22 AGREEMENT CONTAIN A SUBSECTION 4.2 TITLED  
23 CONFIDENTIALITY?

24 A YES.

1 Q IF YOU TURN TO PAGE 6. DOES THE DOCUMENT  
2 CONTAIN A SUBSECTION 4.5 TITLED ACKNOWLEDGMENTS?

3 A YES.

4 Q SO I'D LIKE TO HEAR A LITTLE BIT MORE  
5 ABOUT YOUR ROLE AS VICE PRESIDENT OF SALES OF  
6 CRAFT. YOU SAID YOU OVERSAW SALES MANAGERS WHO  
7 THEMSELVES OVERSAW SALES REPS, CORRECT?

8 A YES.

9 Q DID YOU PROVIDE TRAINING TO THOSE SALES  
10 TEAMS?

11 A I DID NOT DIRECTLY SUPPLY TRAINING TO  
12 THOSE SALES TEAMS.

13 Q WHAT DOES OVERSEE MEAN EXACTLY?

14 A PRIOR TO BOB MILLS AND MAUREEN MILLS  
15 BUYING MAUGER AND COMPANY'S BUSINESS, BOB WAS  
16 PLAYING A ROLE AS AN OWNER TO MANAGE THE SALES  
17 TEAM. AND ONE OF THE THINGS HE HAD SHARED WITH ME  
18 IN HIS DISCUSSIONS ABOUT THIS ACQUISITION HE WAS  
19 WORKING ON IS, I NEED SOMEONE TO HELP BE BETWEEN  
20 MYSELF AND THE SALES TEAM TO HELP OVERSEE THE  
21 SALES TEAM AND MANAGE IT. I CAN'T -- I'M UNABLE  
22 TO DO BOTH WITH HOW I LIKE TO GROW MY BUSINESS,  
23 HOW MY WIFE AND I WOULD LIKE TO GROW MY BUSINESS  
24 AND CONTINUE TO MANAGE A SALES TEAM, ESPECIALLY AS

1 Q CORRECT.

2 A I DON'T RECALL AT THIS MOMENT.

3 Q HUNDREDS?

4 A NO.

5 Q DOZENS?

6 A NO.

7 Q THOUSANDS? AM I GOING IN THE WRONG  
8 DIRECTION?

9 A YES. WHAT WAS YOUR FIRST NUMBER?

10 Q I WENT WITH HUNDREDS AND THEN DOZENS, AND  
11 I THOUGHT MAYBE I'M NOT SHOOTING HIGH ENOUGH.

12 OKAY. WHAT ABOUT THE TEAM? ALL OF THE TEAMS PUT  
13 TOGETHER, HOW MANY ACCOUNTS?

14 A I DON'T RECALL AT THIS MOMENT. THEY  
15 CATEGORIZED THEIR ACCOUNTS AS SHIPPED TO'S WITH AN  
16 ADDRESS, THAT YOU WOULD SHIP PRODUCT TO. AND I  
17 WOULD BE ESTIMATING THAT A SALES REP COULD HAVE  
18 ANYWHERE FROM A COUPLE HUNDRED ACCOUNTS AND EVEN  
19 MORE AT ANY TIME THAT THEY WERE DIRECTLY  
20 RESPONSIBLE FOR MAINTAINING.

21 Q WHEN YOU WERE AT MAUGER AND COMPANY, DID  
22 YOU HAVE MORE DIRECT CONTACT WITH CUSTOMERS THAN  
23 WHAT YOU HAD WITH CRAFT OIL?

24 A IT WOULD BE ABOUT THE SAME.

1 Q ABOUT THE SAME? WHEN DID YOU MAKE THAT  
2 SHIFT FROM HAVING DIRECT CONTACT WITH CUSTOMERS  
3 AND BEING ON THE FRONT LINE LATER?

4 A IT WAS WHEN I WAS AT MAUGER AS A SALES  
5 REPRESENTATIVE. AND I DON'T RECALL THE DATE OF MY  
6 PROMOTION, AS I MENTIONED.

7 Q THAT'S FINE. THAT SORT OF -- I'M JUST  
8 TRYING TO GET AN IDEA OF WHERE IN YOUR CAREER YOU  
9 MADE THE SHIFT FROM BEING ON THE FRONT LINES TO  
10 HAVING THE MORE BIRD'S EYE VIEW. OKAY.

11 SO WHEN YOU WERE AT CRAFT, DID YOU HAVE  
12 ANY OTHER JOB TITLES ASIDE FROM VICE PRESIDENT OF  
13 SALES?

14 A NO.

15 Q DID YOU HAVE ANY SALARY INCREASES?

16 A AT CRAFT?

17 Q SALARY INCREASES AT CRAFT?

18 A AT CRAFT OIL.

19 Q AT CRAFT?

20 A YES.

21 Q HOW DID YOUR SALARY INCREASE?

22 A IT WAS BASED ON THE COMPANY'S COST OF  
23 LIVING INCREASE POLICY.

24 Q HOW MANY EMPLOYEES DID CRAFT HAVE?

1 HEAR COMMENTS LIKE, HE NEVER LEFT HIS HOUSE. I  
2 WOULD HEAR THINGS LIKE, FRAN, YOU SPENT MORE TIME  
3 ON A ROAD WITH ME IN A MONTH THAN HE SPENT IN  
4 THREE YEARS. HE WOULD NEVER GET BACK TO ME ON  
5 ANSWERS. I COULDN'T TRUST HIM.

6 IN A FEW OCCASIONS, I HAD TO GO REPRESENT  
7 PETROCHOICE TO SEE SOME VERY LARGE CUSTOMERS THAT  
8 CHARLIE WAS DIRECTLY RESPONSIBLE FOR. AND HE WAS  
9 OVERCHARGING THEM. AND DEALING WITH LIKE THE  
10 CUSTOMER'S ANGER ABOUT, HOW MUCH YOU HAVE TAKEN  
11 ADVANTAGE OF US, WHICH WE ENDED UP LOSING SOME  
12 VERY KEY CUSTOMERS WHICH WERE COMPLETELY RELATED  
13 TO CHARLIE OVERCHARGING CUSTOMERS AND TAKING  
14 ADVANTAGE OF THEM.

15 Q WAS THE OVERCHARGING, WAS THAT ASSOCIATED  
16 WITH WHEN YOU WERE TALKING ABOUT THE LYING, OR IS  
17 THAT DIFFERENT?

18 A SOME OF IT WAS.

19 Q HOW DID THESE CUSTOMERS -- LET ME TAKE A  
20 STEP BACK. DID THESE CUSTOMERS SEVER THEIR  
21 RELATIONSHIP WITH PETROCHOICE BECAUSE OF BEING  
22 OVERCHARGED?

23 A IN A FEW INSTANCES, YES.

24 Q WHICH INSTANCES?

1           A       AS I SIT HERE, THE ONE I CAN REMEMBER  
2       THAT I WAS INVOLVED IN WAS A COMPANY CALLED GROVE,  
3       G-R-O-V-E.

4           Q       DID THEY EVER TELL YOU HOW -- DID YOU  
5       EVER COMMUNICATE WITH GROVE ABOUT THEM SEVERING  
6       BUSINESS TIES WITH PETROCHOICE?

7           A       I WAS IN MEETINGS WITH PEOPLE FROM GROVE  
8       WITH SOMEONE -- I DON'T RECALL WHO IT WAS, BUT  
9       SOMEONE ELSE FROM PETROCHOICE WHERE THEY  
10      POINTBLANK TOLD US HOW THEY FELT ABOUT CHARLIE  
11      LEONARD AND HOW HE TOOK ADVANTAGE OF THEM AND THAT  
12      WE WILL NOT BE DOING BUSINESS WITH YOU FOR THAT  
13      REASON.

14          Q       DID THEY SAY HOW THEY CAME TO DETERMINE  
15      THEY HAD BEEN OVERCHARGED?

16          A       BY SHOPPING THE MARKET AND SEEING HOW BIG  
17      AFTER DIFFERENCE IN THE PRICE WAS, THE PRICE GAP.

18          Q       WERE THERE ANY OTHER MEETINGS OR  
19      COMMUNICATIONS YOU HAD WITH ANY CUSTOMERS WHO  
20      SEVERED TIES WITH PETROCHOICE BECAUSE OF CHARLIE  
21      LEONARD OR OVERCHARGES?

22          A       DURING MY EMPLOYMENT WITH PETROCHOICE, I  
23      WAS IN A FEW MEETINGS WITH JRG. AND THERE WERE  
24      DISCUSSIONS IN THOSE MEETINGS ABOUT HOW THEY FELT

1     THEY DID CHANGE SOME OF THE GEOGRAPHY AS IT  
2     RELATED TO THE RVP'S RESPONSIBILITIES.

3           Q     YOU SAID YOU HAD A TEAM WHEN YOU WERE  
4     VICE PRESIDENT OF STRATEGIC ACCOUNTS. WAS THAT  
5     LIKE A DEDICATED TEAM WHERE PEOPLE JUST WORKED FOR  
6     YOU UNDER YOUR OWN DIVISION? I'M TRYING TO GET AN  
7     IDEA.

8           A     SO WHEN I MET WITH SHANE AND ROB, I ASKED  
9     WHO IS ON THESE TEAMS? THEY SAID, THAT'S THE  
10    PROBLEM. WE HAVE PEOPLE THAT FOCUS ON STRATEGIC  
11    ACCOUNTS, BUT IT'S NOT REALLY CLEAR WHO THEY  
12    REPORT TO. THAT'S WHAT WE WANT YOU TO DO, IS  
13    BRING STRUCTURE TO THAT SO THEY ARE REPORTING TO  
14    YOU AND THERE IS ACCOUNTABILITY. BUT PRIOR TO ME  
15    TAKING OVER, THE WAY IT WAS EXPLAINED TO ME, IT  
16    WAS NOT VERY CLEAR ON WHO REPORTED TO WHO.

17          Q     IN YOUR ROLE AS VP OF STRATEGIC ACCOUNTS,  
18    DID YOU HAVE DIRECT COMMUNICATION WITH ANY  
19    CUSTOMERS OR SUPPLIERS?

20          A     YES.

21          Q     WHICH ONES?

22          A     CHRISTIAN BROTHERS WAS AN ACCOUNT THAT  
23    WAS CONSIDERED A STRATEGIC ACCOUNT, AND I DID MEET  
24    WITH THEM. THERE WAS A WOMAN, KATHY SMITH THAT



1     WORKED FOR PETROCHOICE THAT SHE WAS UNDER THAT  
2     STRATEGIC ACCOUNT UMBRELLA.   SHE HAD SOME  
3     RELATIONSHIPS WITH, I BELIEVE, MEINEKE MUFFLERS.  
4     IT WAS EITHER KATHY OR MIKE MELRONIO -- DON'T ASK  
5     ME TO SPELL THAT.   AND I FLEW SOMEWHERE, I FORGET  
6     WHERE IT WAS, IT MAY HAVE BEEN DENVER, TO MEET  
7     WITH SOME OF THESE ACCOUNTS THAT THEY WERE TRYING  
8     TO DEVELOP MORE OF A STRATEGIC RELATIONSHIP WITH.

9           Q     WHEN YOU SAY STRATEGIC, DOES THAT MEAN  
10    TRYING TO -- WERE THESE MOSTLY PROSPECTIVE  
11    ACCOUNTS?

12          A     SOME THEY DID BUSINESS WITH.   AND WHAT  
13    WOULD HAPPEN IS THEY WOULD GET REFERRED TO OTHER  
14    MEINEKE MUFFLER FRANCHISEES TO TRY TO EXPAND THE  
15    AMOUNT OF CUSTOMERS THEY WOULD SERVICE.

16          Q     SO NOW I WANT TO GET BACK TO EQUITY IN  
17    THE COMPANIES.   SO YOU HAD TESTIFIED EARLIER THAT  
18    YOU WERE NOT GIVEN AN OPPORTUNITY TO HAVE EQUITY  
19    OR EARN OR BUY INTO ANY EQUITY WITH MAUGER AND  
20    COMPANY -- EXCUSE ME, WITH CRAFT OIL.   WERE YOU  
21    GIVEN THE OPPORTUNITY AT PETROCHOICE?

22          A     I WAS.

23          Q     WHEN DID THAT START?

24          A     THE BEST I CAN RECALL, SOMETIME IN 2013.

1 RECORD.)

2 VIDEOTAPE TECHNICIAN: WE ARE BACK ON THE  
3 RECORD. THE TIME IS 1:04.

4 BY MS. DREYER:

5 Q MR. OROBONO, A FEW FOLLOW-UP QUESTIONS.  
6 WHEN YOU WERE VICE PRESIDENT OF STRATEGIC GROUP?  
7 DO I HAVE THAT RIGHT, STRATEGIC GROUP?

8 A STRATEGIC ACCOUNTS.

9 Q STRATEGIC ACCOUNTS, DID YOU ALSO OVERSEE  
10 THE EQUIPMENT DIVISION?

11 A YES.

12 Q WERE YOU INVOLVED IN SOMETHING IN THE  
13 PROLUBE ACQUISITION?

14 A YES.

15 Q WAS YOUR RESPONSIBILITY TO GROW CUSTOMERS  
16 ACROSS THE UNITED STATES, GROW THE CUSTOMER BASE  
17 ACROSS THE UNITED STATES?

18 A THAT'S WHAT STRATEGIC ACCOUNTS WAS  
19 THOUGHT TO BE.

20 Q OKAY.

21 A AS I MENTIONED, THERE WAS REALLY NO CLEAR  
22 SET GOALS AND JOB DESCRIPTION IN AREAS THAT THEY  
23 WANTED TO GROW IN, MAYBE IN SOME VERSUS OTHERS.  
24 SO IT WAS REALLY UNCLEAR TO ME WHAT THEY WERE

1 A YES.

2 Q PURSUANT TO THIS DOCUMENT, DID YOU  
3 RECEIVE SEVERANCE PAY IN THE AMOUNT OF \$14,583.33  
4 PLUS EARNED AND UNUSED PTA -- PTO?

5 A PURSUANT TO IT? YOU SAID PURSUANT TO IT.

6 Q PURSUANT TO THIS AGREEMENT?

7 A YES.

8 Q SO TELL ME PURSUANT TO THIS AGREEMENT,  
9 WERE YOU ALSO GIVEN OPPORTUNITY TO ENTER INTO A  
10 CONSULTING AGREEMENT?

11 A YES.

12 Q SO NOW LET'S TURN TO PAGE 8 OF THE  
13 DOCUMENT. HAVE YOU EVER SEEN THIS DOCUMENT  
14 BEFORE?

15 A IS THIS EXHIBIT A?

16 Q YES.

17 A YES, I HAVE.

18 Q WHAT IS THIS DOCUMENT?

19 A A CONSULTING AGREEMENT.

20 Q IS THIS A CONSULTING AGREEMENT BETWEEN  
21 YOURSELF AND PETROCHOICE?

22 A YES.

23 Q THROUGH THE CONSULTING AGREEMENT, WERE  
24 YOU -- FIRST OF ALL, DID YOU AGREE TO THE

1 CONSULTING AGREEMENT?

2 A YES.

3 Q PURSUANT TO THE CONSULTING AGREEMENT, FOR  
4 A PERIOD OF ONE YEAR, DID YOU PROVIDE, AND I'M  
5 JUST READING UNDER SECTION 1, UNDER  
6 RESPONSIBILITIES OF THE PARTIES.

7 MS. ALLEN: OKAY.

8 BY MS. DREYER:

9 Q DID YOU PROVIDE COMMERCIALLY AND  
10 REASONABLE ASSISTANCE AS REQUESTED ON TRANSITION  
11 OF ACCOUNTS AND STRATEGIC ACCOUNTS, GOVERNMENT  
12 BIDS AND OIL AND GAS CUSTOMERS INCLUDING CHRISTIAN  
13 BROTHERS AND ONSITE FLEET SERVICE INTERNATIONAL?

14 A YES.

15 Q COULD YOU TELL ME WHAT THAT MEANS? I  
16 KNOW WHAT IT SAYS IN THE CONTRACT, BUT WHAT DOES  
17 THAT MEAN IN LAYMEN'S TERMS?

18 A SO IT WAS REALLY NEVER EXPLAINED TO ME BY  
19 PETROCHOICE EXACTLY WHAT THEY WANTED. I MEAN, IT  
20 WAS EXPLAINED TO ME IN A VERY INFORMAL  
21 CONVERSATION OVER THE PHONE WHEN I WOULD ASK, HOW  
22 DO YOU WANT TO HANDLE MY TRANSITION OUT OF THE  
23 COMPANY? AND IT WAS, WELL, JUST BE AVAILABLE TO  
24 HELP WITH ANY OF THESE ACCOUNTS BECAUSE OF ANY OF

1 YOUR DIRECT OR INDIRECT RELATIONSHIPS WITH THEM OR  
2 IF WE HAVE QUESTIONS RELATING TO THEM.

3 SO WHAT THAT MEANS IS, AGAIN, THIS IS HOW  
4 I INTERPRET IT BECAUSE IT WAS NEVER CLEARLY  
5 DEFINED, IS I RECEIVE A PHONE CALL FROM SOMEBODY  
6 FROM ON-SITE FLEET SERVICE. I WOULD BE EXPECTED  
7 TO TAKE THE PHONE CALL AND USE MY BEST JUDGMENT ON  
8 HOW TO DIRECT THAT PHONE CALL TO SOMEONE WITHIN  
9 PETROCHOICE OR INTRODUCE SOMEONE THAT COULD THEN  
10 TAKE OVER THAT ACCOUNT. NO DIFFERENTLY WITH  
11 CHRISTIAN BROTHERS.

12 THERE WERE SITUATIONS THAT HAPPENED WITH  
13 GOVERNMENT BIDS THAT I WAS VERY INVOLVED IN WHERE  
14 PETROCHOICE'S CUSTOMER SERVICE DEPARTMENT WOULD  
15 GET A PHONE CALL ABOUT A BID. AND IN SOME CASES  
16 THEY DIDN'T EVEN, THE CUSTOMER SERVICE  
17 REPRESENTATIVE DIDN'T EVEN KNOW I LEFT THE  
18 COMPANY. SO THEY ARE CALLING ME AND SPEAKING TO  
19 ME OR FORWARDING PHONE CALLS, SOMEONE FROM THE  
20 CITY OF PHILADELPHIA WOULD CALL THE CUSTOMER  
21 SERVICE DEPARTMENT. THEY ARE FORWARDING ME THE  
22 CALL. THIS PERSON IS TALKING TO ME LIKE I'M AN  
23 EMPLOYEE. I WOULDN'T SAY THAT I WASN'T AN  
24 EMPLOYEE. I WOULD JUST, LISTEN, AND I WILL SAY,

1 SOMEONE WOULD GET BACK TO YOU. I TREATED THAT  
2 SITUATION AS IF I WAS STILL AN EMPLOYEE, RIGHT,  
3 LOOKING OUT FOR THE BEST INTEREST OF THE COMPANY.  
4 THEN I WOULD MAKE A PHONE CALL TO CUSTOMER SERVICE  
5 OR TO AN INDIVIDUAL AND SAY, HEY, LISTEN. THIS  
6 PERSON CALLED. HERE IS THEIR PHONE NUMBER. YOU  
7 NEED TO CALL THEM AND KIND OF WORK THROUGH THEIR  
8 PROBLEM. IT COULD HAVE BEEN AN INVOICE PROBLEM.  
9 IT COULD HAVE BEEN THE STATUS OF MY DELIVERY. IT  
10 COULD HAVE BEEN A TECHNICAL QUESTION ABOUT WHAT  
11 PRODUCT DO YOU USE IN A NEW PIECE OF EQUIPMENT  
12 THAT THE FLEET HAS BROUGHT ON. SO THEY WERE  
13 ACTUAL EXAMPLES OF WHAT WOULD HAPPEN DURING THAT  
14 CONSULTING PERIOD.

15 Q WOULD YOU BE ABLE TO ANSWER THOSE  
16 QUESTIONS USUALLY?

17 A SOME, I WOULD. BUT NOT, NEVER REALLY  
18 UNDERSTANDING WHAT EXACTLY DOES THIS TRANSITION  
19 LOOK LIKE. I FELT THE RIGHT, USING MY BETTER  
20 JUDGMENT, THAT I WOULD INTRODUCE THEM TO THE RIGHT  
21 PERSON AT PETROCHOICE THAT WOULD BE ABLE TO SAY,  
22 HEY, I'M NOW YOUR REPRESENTATIVE. HERE IS MY  
23 CONTACT INFORMATION. CONTACT ME GOING FORWARD.  
24 BECAUSE THEY DIDN'T WANT THOSE CUSTOMERS TO

1 CONTINUE TO CALL ME. THAT'S WHY I TOOK IT AS  
2 HELPING TRANSITION AWAY FROM ME TO THE RIGHT  
3 PEOPLE IN THE ORGANIZATION.

4 Q SO CHRISTIAN BROTHERS AND ON-SITE FLEET  
5 SERVICE INTERNATIONAL. DO YOU HAVE ANY IDEA WHY  
6 THOSE ARE SPECIFICALLY MENTIONED IN THIS  
7 CONSULTING AGREEMENT?

8 A I CAN'T -- I WASN'T CONSULTED WITH, HEY,  
9 WHAT ACCOUNTS SHOULD WE LIST?

10 Q OKAY.

11 A SO I CAN'T ANSWER. I DON'T KNOW.

12 Q DID YOU HAVE A CUSTOMER RELATIONSHIP WITH  
13 FOLKS FROM CHRISTIAN BROTHERS OR ON-SITE FLEET  
14 SERVICE INTERNATIONAL?

15 A ON-SITE WASN'T AN ACCOUNT THAT I WAS  
16 WORKING ON IN HELPING TO TRY TO DO BUSINESS WITH  
17 PETRO EMPLOYEES.

18 Q WAS THIS ONE OF YOUR STRATEGIC ACCOUNTS?

19 A YES.

20 Q WHAT ABOUT CHRISTIAN BROTHERS?

21 A I HAD BEEN IN MEETINGS AT CHRISTIAN  
22 BROTHERS WITH MIKE MELRANIO AND EVEN OUR CEO AT  
23 ONE TIME. SO I HAD SOME INVOLVEMENT IN THAT  
24 RELATIONSHIP.

1 DISCUSSIONS ABOUT THE OIL CONTRACT NEGOTIATIONS.  
2 IN FACT, ROB HAD SUGGESTED TO SCOTT TO KEEP ME --  
3 LIKE IF THEY WERE GOING TO BE PHONE CALLS ABOUT  
4 THE EQUIPMENT SERVICE DIVISION, IT WAS ADVISED,  
5 THE WAY IT WAS EXPLAINED TO ME, HEY, ROB SAID,  
6 HEY, MICHAEL SOLITT SAID IF YOU GUYS ARE GOING TO  
7 TALK OIL RELATIONSHIP, MAKE SURE FRAN IS NOT ON  
8 THE PHONE BECAUSE THAT WOULD BE A VIOLATION OF  
9 RESTRICTIVE COVENANTS. AND SCOTT IS LIKE, NO  
10 PROBLEM.

11 SO DURING SCOTT'S DISCUSSIONS WITH ROB,  
12 SCOTT EXPLAINED TO ME DURING THE DISCUSSIONS WITH  
13 ROB, THAT HE ASKED ROB ABOUT SELLING THE VALVOLINE  
14 AUTOMOTIVE CHEMICAL BUSINESS TO JACK WILLIAMS  
15 ALSO. I WAS NOT INITIALLY A PART OF THAT  
16 CONVERSATION. BUT AT ONE POINT, I DID REACH OUT  
17 TO ROB ASKING HIM THE STATUS OF THAT.

18 Q AT THIS TIME, WERE YOU EMPLOYED WITH JACK  
19 WILLIAMS TIRE?

20 A I BELIEVE I WAS.

21 Q DID YOU BECOME EMPLOYED WITH JACK  
22 WILLIAMS TIRE IN OR AROUND SEPTEMBER 20TH, 2018?

23 A I BELIEVE MY FIRST DAY OF EMPLOYMENT WAS  
24 SOMETIME IN OCTOBER.



1 A YES.

2 Q DOES THIS DOCUMENT HAVE A CONFIDENTIALITY  
3 INFORMATION, NO COMPETE, NO SOLICITATION, NO  
4 DISPARAGEMENT PROVISION?

5 A YES.

6 Q DOES IT HAVE A CONFIDENTIALITY PROVISION  
7 IN SECTION 11?

8 A YES.

9 Q SO SINCE YOUR EMPLOYMENT RELATIONSHIP  
10 ENDED WITH PETROCHOICE, HAVE YOU DONE ANYTHING TO  
11 SUPPORT YOURSELF FINANCIALLY?

12 A CAN YOU REPEAT THE QUESTION?

13 Q SINCE YOUR EMPLOYMENT RELATIONSHIP, SO  
14 NOT THE CONSULTING RELATIONSHIP BUT THE EMPLOYMENT  
15 RELATIONSHIP. SINCE THAT ENDED WITH PETROCHOICE,  
16 HAVE YOU DONE ANYTHING TO FINANCIALLY SUPPORT  
17 YOURSELF? HAVE YOU HAD ANY OTHER EMPLOYMENT?

18 A YES.

19 Q PLEASE TELL ME ABOUT THAT.

20 A I'M EMPLOYED BY JACK WILLIAMS TIRE.

21 Q WHEN DID YOU BEGIN WORKING FOR JACK  
22 WILLIAMS TIRE?

23 A SOMETIME IN OCTOBER OF 2018.

24 Q DID YOU SIGN AN EMPLOYMENT AGREEMENT WITH

1 Q WHAT DID YOU TELL HIM?

2 A THAT I WAS WORKING ON A TRANSITION PLAN  
3 OUT OF PETROCHOICE.

4 Q WHAT IS YOUR JOB TITLE?

5 A VICE PRESIDENT OF WHOLESALE.

6 Q HAVE YOU HAD THAT SAME JOB TITLE SINCE  
7 YOU HAVE BEEN AT JACK WILLIAMS?

8 A YES.

9 Q WHAT ARE YOUR JOB RESPONSIBILITIES?

10 A TO OVERSEE THE SALES TEAM FOR JACK  
11 WILLIAMS' WHOLESALE THAT FOCUSES ON SELLING TIRES.

12 Q HAS THAT BEEN YOUR ONLY JOB  
13 RESPONSIBILITY SINCE YOU HAVE BEEN AT JACK  
14 WILLIAMS TIRES?

15 A NO. AFTER JACK WILLIAMS PURCHASED --  
16 AFTER JACK WILLIAMS PURCHASED THE EQUIPMENT  
17 SERVICES DIVISION FROM PETROCHOICE, THAT LINE OF  
18 BUSINESS BECAME MY RESPONSIBILITY ALSO.

19 Q IN ADDITION TO OVERSEEING THE TIRE SALES  
20 TEAM?

21 A YES.

22 Q IN THIS ROLE, DO YOU HAVE CONTACT WITH  
23 CUSTOMERS?

24 A INFREQUENTLY.

1 CALLED ME BACK. I STOPPED TRYING AFTER TWO PHONE  
2 CALLS.

3 Q WHAT IS YOUR UNDERSTANDING OF WHAT  
4 PRECIPITATED THIS INCIDENT, THIS ASSAULT?

5 A I HAVE NO IDEA. HE JUST SAID SOMETHING  
6 TO ME AS HE APPROACHED ME LIKE, I CAN'T BELIEVE  
7 YOU LEFT, YOU LEFT US THE WAY YOU DID. HE MADE  
8 THAT COMMENT.

9 Q WAS MIKE A SALES REP? WHAT WAS HIS ROLE?

10 A HE WAS THE VALVOLINE VPS FIELD REP FOR  
11 PETROCHOICE THAT TOOK CARE OF THE KENNEDY ACCOUNT.  
12 AND SCOTT WISTER AND JIM MEADE WERE RIGHT THERE  
13 WHEN IT HAPPENED. THEY ACTUALLY ASKED ME, WOULD  
14 YOU LIKE US TO CALL THE POLICE? WOULD YOU LIKE TO  
15 FILE A POLICE REPORT OR AN INCIDENT REPORT WITH  
16 US? I SAID, NO, I'LL BE OKAY. I SAID, I'LL JUST  
17 GIVE HIM A CALL SEPARATELY AND SEE IF I CAN WORK  
18 IT OUT.

19 Q DID HE PHYSICALLY DAMAGE ANY OF YOUR  
20 BELONGINGS OR ANY OF YOUR PERSON? WAS ANYTHING  
21 PHYSICALLY HARMED?

22 A NO. JUST MY MENTAL STATE.

23 Q HAS JACK WILLIAMS TIRE EVER DONE BUSINESS  
24 WITH KENNEDY GROUP SELLING WYNN'S CHEMICALS?

1 A CAN YOU REPEAT THE QUESTION?

2 Q HAS JACK WILLIAMS TIRE EVER DONE BUSINESS  
3 WITH KENNEDY GROUP SELLING WYNN'S CHEMICALS?

4 A YES.

5 Q WHEN DID THEY DO THAT?

6 A TO THE BEST OF MY RECOLLECTION, THEY  
7 STARTED DOING BUSINESS WITH THEM IN OCTOBER OF  
8 2019.

9 Q WERE YOU INVOLVED IN ANY OF THOSE -- WERE  
10 YOU INVOLVED WITH ANY OF THOSE BUSINESS  
11 TRANSACTIONS?

12 A WITH THE KENNEDY GROUP?

13 Q UM-HUM.

14 A NO.

15 Q WHO WAS INVOLVED IN THAT?

16 A ED YATES.

17 Q ED YATES?

18 A ED YATES, Y-A-T-E-S AND TORRIE FETZNER,  
19 F-E-T-Z-N-E-R.

20 Q PETROCHOICE SELLS VALVOLINE, CORRECT?

21 A YES.

22 Q IS WYNN'S A PRIMARY COMPETITOR OF  
23 VALVOLINE?

24 A THEY ARE A COMPETITOR.

1 Q DID PETROCHOICE USED TO SELL VALVOLINE TO  
2 KENNEDY GROUP?

3 A CAN YOU REPEAT THE QUESTION?

4 Q DID PETROCHOICE USED TO SELL VALVOLINE TO  
5 THE KENNEDY GROUP?

6 A VALVOLINE IS A BROAD STATEMENT. ARE YOU  
7 REFERRING TO THE VPS PRODUCTS, THE AUTOMOTIVE  
8 CHEMICAL?

9 Q YES.

10 A SO PETROCHOICE DID SELL VALVOLINE VPS  
11 AUTOMOTIVE CHEMICALS TO THE KENNEDY GROUP.

12 Q DO YOU KNOW WHETHER PETROCHOICE CONTINUES  
13 TO SELL THAT TO THE KENNEDY GROUP?

14 A TO THE BEST OF MY RECOLLECTION, THEY ARE  
15 NOT.

16 Q THEY ARE WHAT?

17 A TO THE BEST OF MY RECOLLECTION, THEY ARE  
18 NOT SELLING THEM.

19 Q HOW DID YOU LEARN THAT?

20 A AFTER ED YATES AND TORRIE LEFT THE  
21 MEETING THAT THEY HAD WITH THE KENNEDY GROUP.

22 Q WAS THIS THE LUNCH, OR WAS THIS A  
23 DIFFERENT MEETING?

24 A NO, THIS WAS NOT.

1 JACK WILLIAMS BEING A DELIVERY AGENT FOR TORRIE  
2 WHERE JACK WILLIAMS WOULD JUST BE A DELIVERY AGENT  
3 AND DELIVER THE PRODUCTS TO DIFFERENT CUSTOMERS.  
4 ALMOST LIKE UPS MAKES A DELIVERY ON BEHALF OF A  
5 MERCHANT AND THINGS LIKE THAT. THE TWO OF THEM  
6 HAD THOSE DISCUSSIONS ABOUT THAT. SO TORRIE WAS  
7 THE ONE WHO SAID, HEY, WE REALLY GOT TO TALK TO  
8 SCOTT. SCOTT HAS THIS REALLY GOOD RELATIONSHIP  
9 WITH THE WILLIAMS GROUP. SCOTT KNOWS THEM REALLY  
10 WELL -- EXCUSE ME, THE KENNEDY GROUP. SCOTT HAS A  
11 RELATIONSHIP WITH THE KENNEDY GROUP. OUT OF  
12 RESPECT, WE SHOULD ASK HIM IF HE WOULD LIKE TO BE  
13 A PART OF THIS.

14 Q YOU SAID -- ACTUALLY, I DON'T KNOW IF YOU  
15 DID SAY. DID JACK WILLIAMS TIRE BEGIN PROVIDING  
16 WYNN'S CHEMICALS TO KENNEDY GROUP DEALERSHIPS  
17 AFTER THAT?

18 A YES.

19 Q DOES THAT RELATIONSHIP STILL EXIST?

20 A YES.

21 Q DO YOU KNOW HOW MUCH, JACK WILLIAMS  
22 TIRE'S DOLLAR FIGURE IS SELLING WYNN'S CHEMICALS  
23 TO KENNEDY GROUP ON A MONTHLY BASIS?

24 A I DO NOT BECAUSE I'M NOT INVOLVED IN THAT

1 LINE OF BUSINESS.

2 Q HAVE YOU BEEN AT ALL INVOLVED IN THE SELL  
3 OF WYNN'S CHEMICALS SINCE YOU HAVE BEEN AT JACK  
4 WILLIAMS TIRE?

5 A CAN YOU REPEAT THAT?

6 Q HAVE YOU BEEN INVOLVED AT ALL IN ANY WAY,  
7 SHAPE OR FORM WITH THE SELL OF WYNN'S CHEMICALS  
8 SINCE YOU HAVE BEEN WORKING WITH OR ON BEHALF OF  
9 JACK WILLIAMS TIRE?

10 A SO I WAS INVOLVED IN -- YES, I WAS  
11 INVOLVED FOR A VERY SHORT PERIOD OF TIME WITH THE  
12 WYNN'S CHEMICAL LINE OF BUSINESS THAT JACK  
13 WILLIAMS TOOK ON.

14 Q COULD YOU PLEASE DESCRIBE TO ME YOUR  
15 INVOLVEMENT?

16 A IT WAS MORE FROM A FUNCTIONAL ROLE WHERE,  
17 HOW DO WE -- HOW DO WE SET UP INVENTORY? HOW DO  
18 WE -- DO WE CREATE ORDER FORMS FOR CUSTOMERS TO  
19 ORDER FROM? IT WAS MORE JUST, FOR LACK OF A  
20 BETTER TERMS, OPERATIONALLY HOW DO YOU SET THE  
21 PRODUCT UP IN A WAREHOUSE? I WAS NOT INVOLVED IN  
22 SOLICITING CUSTOMERS. I REALLY WOULDN'T KNOW HOW  
23 TO DO THAT. I WASN'T INVOLVED IN MEETINGS WITH ED  
24 YATES OR ANYTHING LIKE THAT.

1 Q THAT WAS WHAT I WAS TRYING TO GET THERE,  
2 THANK YOU FOR HELPING ME OUT.

3 A NO PROBLEM.

4 Q I WANT TO GO BACK TO, I ASKED YOU EARLIER  
5 DID YOU EVER DOWNLOAD DOCUMENTS TO ANY OF YOUR, TO  
6 ANY DEVICE OTHER THAN -- SORRY. EARLIER, I ASKED  
7 YOU IF YOU HAD EVER DOWNLOADED PETROCHOICE  
8 DOCUMENTS TO ANY DEVICE ASIDE FROM THE THIN  
9 CLIENT, THE PETROCHOICE-ISSUED LAPTOP OR THE  
10 PETROCHOICE-ISSUED IPHONE OR THE MEMORY STICKS WE  
11 ALREADY DISCUSSED. THEN YOU REFERENCED, I GAVE  
12 SOME STUFF TO MY LAWYER. DO YOU REMEMBER THAT?

13 A YES.

14 Q I SAID, WE'LL GET BACK TO THAT.

15 A YES.

16 Q WE ARE GETTING BACK THERE.

17 A WE ARE HERE.

18 Q WE ARE HERE.

19 A ARE WE ON THIRD BASE?

20 Q MY QUESTION IS, DID YOU STILL HAVE ACCESS  
21 TO THE PETROCHOICE CITRIX ENVIRONMENT AND OFFICE  
22 365 DURING YOUR CONSULTING PERIOD?

23 A YES.

24 Q DID YOU HAVE THE SAME ACCESS THAT YOU HAD



1 WHEN YOU WERE AN EMPLOYEE OF PETROCHOICE?

2 A YES.

3 Q DID THAT ACCESS EVER SHIFT OR CHANGE OR  
4 BECOME RESTRICTED?

5 A I BELIEVE ON OR AROUND SOMETIME IN APRIL  
6 OF 2019, I WAS NO LONGER ABLE TO ACCESS CITRIX.

7 Q WERE YOU ALERTED ABOUT THE CHANGE?

8 A NO. HOWEVER, THERE WAS A TIME AFTER THE  
9 CONSULTING AGREEMENT WAS EXECUTED AND BEFORE NO  
10 LONGER HAVING ACCESS TO CITRIX, THAT I HAD REACHED  
11 OUT TO JOSH SCHULLENBURGER FROM THE IT DEPARTMENT  
12 OF PETROCHOICE. AND EXPLAINED TO HIM THAT I WAS  
13 STILL RECEIVING E-MAILS, HAD ACCESS TO MICROSOFT,  
14 HAD ACCESS TO CITRIX AND MICROSOFT OFFICE 365 AND  
15 ONEDRIVE. I NOTIFIED HIM OF THAT.

16 AND DURING ONE OF MY CONVERSATIONS WITH  
17 HIM HE SAID TO ME, AS A CONSULTANT, YOU ARE  
18 SUPPOSED TO HAVE ACCESS TO THAT. ALL OF THE  
19 CONSULTANTS THAT WE HAVE ARE ALLOWED TO HAVE  
20 ACCESS OF THAT. I SAID, I JUST WANTED TO MAKE YOU  
21 AWARE OF THAT.

22 Q WHY DID YOU REACH OUT TO HIM TO MAKE HIM  
23 AWARE OF THAT?

24 A BECAUSE I WASN'T -- AGAIN, IT WAS NEVER

1 HE EVEN SAID THAT THERE WAS AN INITIATIVE TO MOVE  
2 THE SALES PERSONNEL TO THE MICROSOFT OFFICE 365  
3 PLATFORM AND ONEDRIVE. HE SAID, THERE IS EVEN  
4 ROOM ON THERE FOR YOU TO STORE PERSONAL FILES ON  
5 IT IF YOU NEED TO. THAT WAS THE BEAUTY OF THIS.  
6 IT WAS THE INITIATIVE AND KIND OF THEM PROMOTING  
7 TO THE SALES TEAM, HEY, MOVE YOUR STUFF OVER. SO  
8 IN SOME CASES, IT LED YOU TO BELIEVE THAT YOU  
9 COULD STORE FILES THERE. AND IT'S JUST, IT'S  
10 SOMETHING I DID OVER TIME.

11 (WHEREUPON, EXHIBIT 5 WAS MARKED FOR  
12 IDENTIFICATION.)

13 BY MS. DREYER:

14 Q I'M GOING TO REPRESENT TO YOU THAT THESE  
15 ARE ALL OF THE DOCUMENTS YOU PROVIDED TO  
16 PETROCHOICE PURSUANT TO REQUEST FOR PRODUCTION.  
17 FIRST QUESTION. ON OR AROUND AUGUST 19TH, 2019,  
18 DID YOU DOWNLOAD --

19 A WHERE ARE WE?

20 Q I'M NOT ASKING ABOUT THAT YET. I WILL  
21 GET TO THAT.

22 ON OR AROUND AUGUST 19TH, 2019, DID YOU  
23 DOWNLOAD FILES FROM PETROCHOICE'S SYSTEM?

24 A YES.

1 SAID, HEY, I SAID, I'M TRYING TO CONFIRM GETTING  
2 ALL OF MY FILES. AND HE IS LIKE, WHY ARE YOU  
3 WAITING UNTIL THE LAST MINUTE TO DO IT? I SAID,  
4 WELL, I HAVE BEEN TRYING TO DO THIS WITH JOSH AND  
5 I GOT NO RESPONSE. AND HE WAS KIND OF GRUMPY ON  
6 THE PHONE. AND HE IS JUST LIKE, I GOT A LOT GOING  
7 ON, TOO. I DON'T HAVE TIME FOR THIS RIGHT NOW. I  
8 SAID, LOOK, I WANT TO BRING TO YOUR ATTENTION. I  
9 DON'T MIND WAITING BUT I DO NEED TO DISCUSS THIS  
10 WITH YOU FURTHER. AND I NEVER HEARD BACK FROM  
11 HIM.

12 Q WHO IS MR. MYERS?

13 A RANDY MYERS, I BELIEVE, AT THE TIME, WAS  
14 A VICE-PRESIDENT AT PETROCHOICE.

15 Q WAS HE AN RVP?

16 A I DON'T KNOW IF HIS TITLE WAS RVP OR NOT.

17 Q WHY DID YOU REACH OUT TO RANDY?

18 A SYLVIA FROM HR SAID I NEEDED TO SPEAK  
19 WITH HIM.

20 Q THAT WAS THE PERSON? OKAY.

21 SO ON AUGUST 20TH, DID YOU DOWNLOAD FILES  
22 FROM PETROCHOICE'S NETWORK OR SYSTEM?

23 A I CAN'T BE CERTAIN THE DATE. BUT YES, I  
24 DID DOWNLOAD FILES.

1 Q HOW ABOUT AUGUST 22ND, 23RD, 24TH AND  
2 25TH?

3 A I CAN'T BE CERTAIN THE DATES, BUT I DO  
4 RECALL HAVING MULTIPLE ATTEMPTS TO DOWNLOAD  
5 BECAUSE THERE WERE ERRORS IN DOWNLOADING THE  
6 FILES. THEY WEREN'T FULL DOWNLOADS. THERE WERE  
7 ERRORS. I WAS LOOKING AT FOLDERS THAT SHOULD HAVE  
8 HAD MORE FILES IN THE FOLDER AND THEY WERE MISSING  
9 THAT APPEARED TO BE MY INFORMATION. SO I HAD TO  
10 GO BACK AND ON MULTIPLE OCCASIONS, RETRIED TO  
11 DOWNLOAD TO TRY TO GET THE RIGHT INFORMATION OVER.

12 Q HOW WERE YOU DETERMINING WHAT THE RIGHT  
13 INFORMATION WAS THAT YOU WERE TRYING TO GET OVER?

14 A SO IF WE GO BACK. WHEN PETROCHOICE MOVED  
15 THE TRANSITION FROM FILES ON CITRIX TO MICROSOFT  
16 ONEDRIVE, I HAD, I MENTIONED I HAD A LOT OF  
17 PROBLEMS WITH MOVING THAT INFORMATION OVER. I  
18 ASKED CARL WADE FROM IT TO HELP ME WITH THAT. HE  
19 HAD PROBLEMS. I REMEMBER BEING IN FORT WASHINGTON  
20 ALL DAY FOR MEETINGS. HE HAD MY COMPUTER MOST OF  
21 THE DAY. HE WAS REACHING A LOT OF PROBLEMS MOVING  
22 ALL OF MY FILES OVER, WHICH WAS AN INITIATIVE OF  
23 THE COMPANY. HERE IS AN EXPERT. HE WAS HAVING  
24 TROUBLE MOVING FROM CITRIX TO ONEDRIVE.

1 SO HE FINALLY WAS SUCCESSFUL AT DOING  
2 THAT, OKAY. WELL, UNBEKNOWNST TO ME, HE MOVED  
3 FILES AROUND INTO DIFFERENT FOLDERS. HE RENAMED A  
4 FEW FOLDERS. HE SET UP NEW FOLDERS AND MOVED  
5 THINGS AND NEVER EXPLAINED TO ME WHY HE DID THAT.

6 SO FAST FORWARDING TO LEAVING THE  
7 COMPANY, HAVING ALL OF THESE FILES OF MINE THAT  
8 BELONGED TO ME. I'M TRYING TO FIND THEM. I CAN'T  
9 FIND EVERYTHING. SOME FILES ARE IN WHAT APPEARED  
10 TO BE FOLDERS THAT WERE UNFAMILIAR TO ME. AND I  
11 WAS HAVING THOSE DOWNLOAD ERRORS. SO I ENDED UP  
12 BY MISTAKE, DOING A -- I FORGET THE TERM THEY USE,  
13 BUT IT WAS LIKE IT WAS A DOWNLOAD THAT I COULD  
14 DOWNLOAD EVERYTHING AND WALK AWAY FROM IT AND NOT  
15 HAVE TO SIT THERE. THEN I COME BACK TO THE  
16 COMPUTER AND THERE WOULD BE AN ERROR MESSAGE.

17 THEN I WOULD LOOK TO SEE WHAT WAS  
18 DOWNLOADED. AND I WOULD LOOK AT THE FOLDER. AND  
19 LET'S SAY THE FOLDER SAID THE FOLDER THAT GOT  
20 DOWNLOADED SAID THREE FILES IN IT, BUT THE FOLDER  
21 THAT WAS STILL IN MICROSOFT ONEDRIVE SAID IT HAS  
22 SEVEN FILES IN IT. I'M LIKE, OKAY, THAT WAS THE  
23 UNSUCCESSFUL DOWNLOAD.

24 SO THAT WAS THE REASON FOR THE MULTIPLE

1 ATTEMPTS TO DOWNLOAD IT. I WAS VERY CONCERNED  
2 THAT I WAS NOT GOING TO RETRIEVE ALL OF MY  
3 PERSONAL INFORMATION. I HAD THINGS, A LOT OF  
4 PERSONAL INFORMATION IN THERE FOR A LONG PERIOD OF  
5 TIME. AND NOBODY WAS WILLING TO HELP ME AT  
6 PETROCHOICE WHEN I REACHED OUT TO THEM.

7 Q SO THESE DOWNLOADS WOULD HAVE TAKEN PLACE  
8 AUGUST, ON OR ABOUT AUGUST 19TH THROUGH THE 25TH.  
9 DOES THAT SOUND RIGHT TO YOU?

10 A YES.

11 Q OF 2018? OKAY.

12 SO I WANT TO POINT YOU TO -- AT THE  
13 BOTTOM OF THESE PAGES FROM EXHIBIT 5, THERE IS  
14 SOMETHING CALLED BATES STAMP NUMBERS, BATES  
15 NUMBERS. DO YOU SEE THAT AT THE BOTTOM SAYS  
16 OROBONO AND A NUMBER?

17 A YES.

18 Q SO I WANT YOU TO GO TO, PLEASE,  
19 OROBONO-156. TOWARDS THE VERY END IS JOSH BEACH.  
20 IS THAT THE SAME PERSON AS JOSH SCHULLENBURGER?

21 A YES.

22 Q OR A DIFFERENT PERSON?

23 A NO. JOSHBEACH814 IS JOSH SCHULLENBURGER.  
24 WHAT'S THE DATE ON THIS?

1 ACCESS -- OR YOU TESTIFIED EARLIER YOU ONLY  
2 ACCESSED THE OFFICE 365 AND CITRIX ENVIRONMENTS  
3 VIA PETROCHOICE-ISSUED DEVICES, CORRECT?

4 A RIGHT. CORRECT.

5 Q SO NOW DURING YOUR CONSULTING PERIOD, YOU  
6 ARE ACCESSING THESE ENVIRONMENTS THROUGH A  
7 NON-JACK WILLIAMS TIRE-ISSUED DEVICE, CORRECT?

8 A CORRECT.

9 Q SO DID YOU HAVE AUTHORIZATION TO DO SO?

10 A NO.

11 MS. DREYER: DO YOU WANT TO TAKE A BREAK  
12 NOW?

13 THE WITNESS: YES, PLEASE.

14 VIDEOTAPE TECHNICIAN: WE ARE OFF THE  
15 RECORD. THE TIME IS 4:21.

16 (WHEREUPON, A BREAK WAS TAKEN OFF THE  
17 RECORD.)

18 VIDEOTAPE TECHNICIAN: WE ARE BACK ON THE  
19 RECORD. THE TIME IS 4:39.

20 BY MS. DREYER:

21 Q MR. OROBONO, I WANT TO ASK YOU A FEW  
22 BRIEF QUESTIONS ABOUT WHAT I THINK IS EXHIBIT 2,  
23 THE SEPARATION AGREEMENT AND GENERAL RELEASE. IS  
24 THAT EXHIBIT 2?

1 REPEAT THE QUESTION?

2 Q IF YOU HAD BEEN INVOLVED IN ANY  
3 COMMUNICATIONS IN YOUR ROLE AT JACK WILLIAMS TIRE  
4 CONCERNING THE WYNN'S CHEMICAL BUSINESS BETWEEN  
5 OCTOBER 2019 AND A MONTH AGO WHEN YOU SPOKE WITH  
6 SCOTT WILLIAMS ABOUT THE VERBAL AGREEMENT.

7 A SO I WAS INVOLVED IN CONVERSATION WITH  
8 THE WYNN'S AUTOMOTIVE CHEMICAL BUSINESS AFTER  
9 OCTOBER '19 LEADING UP THROUGH THE END OF THE YEAR  
10 UP TO THE LAWSUIT BEING FILED, YEAH.

11 Q OKAY. THAT'S JUST WHAT I WAS TRYING TO  
12 CLARIFY.

13 A I'M SORRY. YES.

14 Q WERE THOSE COMMUNICATIONS SURROUNDING  
15 SETTING UP THE INVENTORY AND THE ORDER FORMS FOR  
16 THAT UNIT?

17 A THERE WAS A LITTLE BIT ABOUT JUST SCOTT  
18 WAS SETTING UP THE INFRASTRUCTURE FOR THE  
19 BUSINESS. AND AT TIMES, SCOTT WAS NOT RESPONDING  
20 TO PEOPLE. SO THEY THOUGHT THEY WOULD HAVE TO GO  
21 THROUGH ME TO GET ANSWERS. AND I JUST WAS  
22 BASICALLY A CONDUIT TO GO BACK TO SCOTT AND SAY,  
23 THIS INFORMATION NEEDS TO BE RESOLVED OR THIS  
24 INVENTORY IS STILL NOT SET UP. SO I WAS KIND OF A